

IN THE UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF MARYLAND

**RUSSIAN RESEARCH CENTER
THE KURCHATOV INSTITUTE,**

Plaintiff,

v.

WESTERN SERVICES CORP., et al.,

**Defendants and
Third-Party Plaintiff,**

v.

GSE SYSTEMS, INC.

**Third-Party
Defendants.**

Case No.: AMD 02-3878

**WESTERN SERVICES CORP.'S MOTION TO PRESERVE THE
CONFIDENTIALITY OF RICHARD D. CLARK'S REPORT**

Pursuant to Paragraph 7 of the Protective Order of Confidentiality dated June 4, 2003, defendant/third-party plaintiff Western Services Corp. ("Western"), through undersigned counsel, hereby requests that the Court issue an order preserving the designation as "Confidential" of the Report of Richard D. Clark, CPA, MBA (the "Report").

The Report, a written report prepared and signed by Western's expert on damages pursuant to Fed. R. Civ. P. 26(a)(2)(B), was produced to plaintiff Russian Research Center, The Kurchatov Institute ("Kurchatov") and third-party defendant GSE Systems, Inc. ("GSE") on November 3, 2003. By letter dated November 21,

2003, GSE made a written objection to the “Confidential” designation of the Report, stating that it wished to disclose the Report to at least a few officers, directors and employees of GSE and Kurchatov. As required by Paragraph 7 of the Protective Order of Confidentiality dated June 4, 2003, Western now moves the Court to preserve the “Confidential” designation of the Report because it contains confidential commercial information as contemplated by Fed. R. Civ. P. 26(c)(7).

Disclosure of the Report to the officers, directors or employees of GSE or Kurchatov would greatly harm Western by allowing GSE and Kurchatov to take unfair advantage of the sensitive commercial information revealed therein to advance their competitive position vis-à-vis Western. Accordingly, good cause exists for protection of the Report as “Confidential” under the Protective Order of Confidentiality.

The grounds in support of this Motion are discussed in the accompanying Memorandum. A Certification of counsel’s attempts to resolve this discovery dispute and a Proposed Order are also submitted.

Respectfully submitted,

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Dated: December 8, 2003